UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/709
29 November 1991
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Forty-sixth session
Agenda items 30 and 98

COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF AFRICAN UNITY

HUMAN RIGHTS QUESTIONS

Letter dated 26 November 1991 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to transmit the text, in English and French, of a statement of the European Community and its member States on Kenya issued on 21 November 1991 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under agenda items 30 and 98.

(Signed) Robert J. VAN SCHAIK
Ambassador
Permanent Representative

ANNEX

Statement on Kenya issued at The Hague and Brussels on 21 November 1991 by the European Community

The Community and its member States note with concern the present restraints on freedom of expression in Kenya and that critics of the political establishment have been consistently denied the opportunity to exercise their right of freedom of assembly. Those who have attempted to do so have been systematically arrested, most recently on 15 and 16 November last in relation to a rally of the opposition.

The Community and its member States, being collectively the most important partner in trade and aid of Kenya, are concerned at these developments and urge the Government of Kenya to take urgent steps to release those still detained and to press ahead with further political reforms to reflect the global trend towards multi-party democracy and respect for human rights.

They note the ideas, which were lately expressed in this respect by the President on several occasions, most recently in his speech held in Kiambu district on 14 November last, where he stated that he was willing to accept a possible change to a multi-party system and added a timetable (two to three years) for the implementation of such a change. They encourage President Moi to take action along these lines.

The Community and its member States call on the Government of Kenya and all interested groups in Kenya to work for a dialogue in the interest of greater participation, pluralism and accountability in the political and economic decision-making process.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/710
29 November 1991
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Forty-sixth session
Agenda item 31

THE SITUATION IN CENTRAL AMERICA: THREATS TO INTERNATIONAL PEACE AND SECURITY AND PEACE INITIATIVES

Letter dated 26 November 1991 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to transmit the text, in English and French, of a statement of the European Community and its Member States on El Salvador issued on 26 November 1991 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under agenda item 31.

(Signed) Robert J. VAN SCHAIK
Ambassador
Permanent Representative

ANNEX

Statement on El Salvador issued at Brussels on 26 November 1991 by the European Community

The European Community and its member States warmly welcome the announcement made by the Frente Farabundo Martí para la Liberación Nacional (FMLN) on 14 November stating that it would cease all offensive operations in El Salvador at midnight 16 November. They are also encouraged by the positive response of President Cristiani to that announcement.

However, the European Community and its member States are concerned at reports of continuing acts of violence by both sides, including actions carried out by units of the Salvadorian army, following the new situation created by the unilateral announcement by FMLN. These acts might jeopardize the negotiating process under way.

The European Community and its member States are convinced that restraint and goodwill on both sides are necessary if an end to bloodshed and the agreement on a permanent cease-fire are to be achieved. They express the strong hope that both parties will pursue their endeavours to reach an overall political solution so as to lead the negotiating process to a successful conclusion.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/711
29 November 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 37

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 29 November 1991 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to attach a letter from the Minister of Foreign Affairs, Mr. R. F. Botha, regarding developments in South Africa.

I should be grateful if the present letter and its attachment could be circulated as a document of the General Assembly under agenda item 37.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

ANNEX

Letter dated 29 November 1991 from the Minister of Foreign Affairs of South Africa addressed to the Secretary-General

The Government of South Africa has taken note of the decision once again to devote part of the General Assembly's agenda to South Africa. Without prejudice to the South African Government's reservations about such action, it is necessary and appropriate that recent developments in South Africa should once again be brought to the Assembly's attention as evidence that the political changes initiated by the Government towards a new democratic and representative constitution are fundamental, profound and irreversible.

All the major parties in South Africa are committed to peaceful negotiations towards a democratic future. It is essential that these parties should be permitted to proceed unhindered and without outside interference with the task of negotiating a constitutional solution that will accommodate the just aspirations of all sections of the population. It is, as the General Assembly has itself acknowledged, for South Africans to find solutions to their problems and I would urge it most earnestly to refrain from actions which might compromise that acknowledgement. The South African Government welcomes the widest possible participation in the multi-party conference: any grouping with a proven constituency has the right to participate.

In your report of 4 September 1991 (A/45/1052), you stated that the process towards the ending of apartheid in South Africa, although halting, remained on course and that the most important development in this regard was the removal of the basic apartheid laws, namely, the Group Areas Act, the Lands Acts, the Population Registration Act and the Development of Black Communities Act. On 17 June, when these laws were finally abrogated, the State President told Parliament: "The year 1991 will become known in history as the year in which South Africa finally removed statutory discrimination - apartheid - from its system".

In the past year more than 100 discriminatory laws and regulations have been withdrawn. Massive socio-economic initiatives have been undertaken to alleviate adverse conditions and to create opportunities for the less privileged communities. One such initiative was a special allocation of R 4,000 million ($US 1,400 million), over and above the normal budgetary provision for education, housing and special projects designed to improve the quality of life of these communities. The newly created Independent Development Trust - as its name suggests, an institution independent of government control - was allocated R 3,000 million of this special allocation for the uplifting of the poorer sector of South Africa's community.

On 12 February 1991, the Government and the African National Congress (ANC) agreed to the D. F. Malan Accord, which clarified differences of interpretation of the preceding Groote Schuur and Pretoria Minutes and led to ANC undertaking not only to end all armed action and threats of armed action,

but to stop the infiltration of members of its military wing and matèriel into South Africa, and the training of such personnel inside South Africa. The Accord, concurrent with the creation of additional release mechanisms by the Government, also enabled the more comprehensive handling of the return of exiles and the release of prisoners according to procedures already agreed upon, by declaring additional categories of offenders as qualifying for indemnity.

The South African Government is convinced that all prisoners with a legitimate claim to political status within the meaning and spirit of the Groote Schuur and Pretoria Minutes have now been released. Despite this a mutually agreed mechanism has been created to address individual cases falling outside the guidelines, but the Government's participation in these further discussions does not detract in any way from the fact that it has already fully implemented the provisions of the Pretoria Minute of 6 August 1990. Under the terms of the agreement, 1,187 prisoners had been released as at 15 November 1991. Furthermore, up to 30 October 1991, 8,571 applications for indemnity out of a total of 9,422 had been approved by the Government. Only 229 were rejected.

The prospects for the return of expatriates were significantly improved on 16 August 1991 when an agreement was concluded in Geneva with the United Nations High Commissioner for Refugees on the voluntary repatriation and reintegration of South African returnees. A Memorandum of Understanding was formally signed at Geneva on 4 September 1991 and a Status Agreement on 2 October 1991. This Agreement is now being implemented. In addition to the above, 9,972 applications for Extraordinary Travel Certificates have been received and approved to date.

The climate for negotiation has been further successfully addressed in that no organizations are at present banned, proscribed or restricted and no restrictions or conditions are being imposed on any persons released from prison or detention in terms of the agreements. Peaceful and orderly demonstrations and protest actions are freely tolerated, subject only to normal municipal regulations. All troops have been withdrawn from the townships and may only be temporarily deployed in certain areas where the police require assistance to maintain order and combat violence. The Government, which had earlier undertaken to review existing security legislation, introduced a bill, which was subsequently passed by Parliament, to amend the Internal Security Act of 1982 in such a manner as to obviate any limitation on the democratic process. It should be noted that the amendments brought about by the Internal Security and Intimidation Amendment Act, 1991 (Act No. 138 of 1991) indicate only the beginning of the process of reform of security legislation.

The incidence of violence in several areas, coupled with political intimidation of hundreds of thousands of people, has posed a serious threat to free negotiations and contributed to the delay in the convening of the multi-party conference. In an effort to curb the ongoing violence in these areas the State President, Mr. F. W. de Klerk, has taken a number of

initiatives, which culminated in the signing of the Peace Accord. It is now up to those leaders who have committed themselves to the terms of the Peace Accord to impress on their followers that its terms have to be observed. Similarly those who allege security force involvement in the violence have been requested to submit whatever evidence they may have for the Government is determined that anyone found guilty of such involvement shall be duly punished. The Government will scrupulously fulfil its responsibilities in this regard.

The Government has also established a Commission of Inquiry regarding the Prevention of Public violence and Intimidation comprised of eminent people in the legal profession. It will serve as an impartial instrument with adequate powers to evaluate Government actions as well as to test the impartiality of acions by the security forces.

The Commission shall:

"(a) Inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof and what persons are involved therein;

"(b) Inquire into any matter which, in the opinion of the State President, relates to any matter referred to in paragraph (a) and which the State President may refer to it for the purpose of inquiry;

"(c) Inquire into any steps that should be taken in order to prevent public violence and intimidation;

"(d) Make recommendations to the State President regarding:

"(i) The general policy which ought to be followed in respect of the prevention of public violence and intimidation;

"(ii) Steps to prevent public violence or intimidation;

"(iii) Any other steps it may deem necessary or expedient, including proposals for the passing of legislation, to prevent a repetition or continuation of any act or omission relating to public violence or intimidation;

"(iv) The generation of income by the State to prevent public violence and intimidation as well as the compensating of persons who were prejudiced and suffered patrimonial loss thereby;

"(v) Any other matter which may contribute to preventing public violence and intimidation."

The Government is not opposed to the concept of transitional arrangements but they must be negotiated and agreed by the multi-party conference. While it is accepted that the present constitution may be flawed, a constitutional vacuum cannot be permitted to develop whilst a new constitution is being drafted.

The Government does not accept the premise that pressure, including so-called positive pressure, is required. There is no justification for continued economic and financial sanctions, which serve the narrow interests of specific political movements only and delay economic growth and development. Punitive sanctions affect all the people, especially the poor, and the lifting recently of certain economic and person-to-person sanctions by for example the United States of America, the European Community, the Commonwealth, Japan and other countries will assist the efforts of the Government and the private sector for the socio-economic development of the whole country. The maintenance of the United Nations sanctions in various fields and the continued isolation of South Africa are particularly inappropriate in the light of the generally acknowledged real, profound and irreversible changes that have taken place in South Africa. The key to future political stability lies in the regeneration of the economy at the earliest possible moment.

The Government is committed to removing imbalances and remaining backlogs for which a climate of free economic activity and interchange is necessary. Statements on nationalization and the non-repayment of international loans, and continued support for sanctions only inhibit the much-needed socio-economic progress in South Africa. It is inconsistent to complain about lack of economic growth, high unemployment, poverty and socio-economic backlogs while at the same time advocating measures that constrain the economy and inhibit sustainable economic growth. In the circumstances, it would be appropriate for the General Assembly to turn its attention from policies that inhibit growth in South Africa to those which stimulate it, particularly as the economy of South Africa is also inexorably interrelated with those of other southern African States. Retarding economic growth in South Africa will inevitably have a negative impact on the entire region.

(Signed) R. F. BOTHA

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/46/712
S/23254
29 November 1991
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-sixth session
Agenda items 36, 65, 68, 69,
125 and 135
LAW OF THE SEA
IMPLEMENTATION OF THE DECLARATION OF THE
INDIAN OCEAN AS A ZONE OF PEACE
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY
PROTECTION AND SECURITY OF SMALL STATES:
MEASURES TO PREVENT INTERNATIONAL
TERRORISM WHICH ENDANGERS OR TAKES
INNOCENT HUMAN LIVES OR JEOPARDIZES
FUNDAMENTAL FREEDOMS AND STUDY OF THE
UNDERLYING CAUSES OF THOSE FORMS OF
TERRORISM AND ACTS OF VIOLENCE WHICH
LIE IN MISERY, FRUSTRATION, GRIEVANCE
AND DESPAIR AND WHICH CAUSE SOME
PEOPLE TO SACRIFICE HUMAN LIVES,
INCLUDING THEIR OWN, IN AN ATTEMPT TO
EFFECT RADICAL CHANGES:
(a) REPORT OF THE SECRETARY-GENERAL;
(b) CONVENING, UNDER THE AUSPICES OF
THE UNITED NATIONS, OF AN
INTERNATIONAL CONFERENCE TO
DEFINE TERRORISM AND TO
DIFFERENTIATE IT FROM THE
STRUGGLE OF PEOPLES FOR NATIONAL
LIBERATION
DEVELOPMENT AND STRENGTHENING OF
GOOD-NEIGHBOURLINESS BETWEEN
STATES

SECURITY COUNCIL
Forty-sixth year

Letter dated 26 November 1991 from the Permanent Representative of Djibouti to the United Nations addressed to the Secretary-General

In view of the grave and dangerous situation faced by the Republic of Djibouti as a result of the foreign invasion and continuing attacks in the north of the country since mid-November, I have the honour to transmit to you herewith a letter addressed to you by the Minister for Foreign Affairs and Cooperation of the Repubic of Djibouti, Mr. Moumin Bahdon Farah.

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly, under agenda items 36, 65, 68, 69, 125 and 135, and of the Security Council.

(Signed) Roble OLHAYE
Ambassador
Permanent Representative

ANNEX

Letter dated 26 November 1991 from the Minister for Foreign Affairs and Cooperation of Djibouti addressed to the Secretary-General

I have the honour to inform you of the situation currently prevailing in the Republic of Djibouti.

For some weeks now, the Republic of Djibouti has been facing an armed aggression from abroad, and last week the north of the country was the scene of clashes between Djibouti's national army and the aggressors.

Some 5,000 attackers, heavily armed and driving military vehicles, are trying to seize the northern towns of Obock and Tadjourah.

These attackers are in fact mercenaries who have infiltrated the country and who belonged formerly to the highly trained Ethiopian militia, originally created to fight the guerrilla forces in Eritrea.

The Republic of Djibouti has always sought to encourage dialogue for settling conflicts. The guiding principles of its policy have been peace and stability in the subregion.

Domestically, Djibouti has constantly safeguarded good relations and stability between its various communities.

Nevertheless, in its concern to safeguard its unity and territorial integrity, the Republic of Djibouti will not allow itself to be destabilized by foreign elements seeking to realize the old dream of "Greater Afaria", which involves uniting the areas inhabited by the Afars, northern Djibouti, Aoussa (Ethiopia) and Assab (Eritrea).

I hope that this information will give you a better understanding of the aggression faced by the Republic of Djibouti. I shall keep you informed of developments through our Permanent Representative.

Moumin Bahdon Farah
Minister for Foreign Affairs
and Cooperation

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/46/713
S/23256
2 December 1991
ENGLISH
ORIGINAL: ENGLISH/
SPANISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 31
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Report of the Secretary-General

1. The present report is submitted pursuant to Security Council resolution 637 (1989) and General Assembly resolution 45/15 of 20 November 1990.

El Salvador

2. Since my last report, dated 8 November 1990 (A/45/706-S/21931), steady progress has been made in the negotiations on El Salvador. On 31 October last year the parties agreed that a more active role should be played by my Personal Representative. This was deemed necessary in view of the inability of the parties, in two successive rounds of talks held in Costa Rica in August and September, to make progress on the substantive agenda which had been agreed upon in Caracas, Venezuela, in May 1990 (A/46/552-S/23129) and particularly on the question of the armed forces, following the adoption of the San José Agreement on Human Rights on 26 July 1990 (A/44/971-S/21541). The enhanced role requested from my Representative involved putting forward formulae that would be used as the basis for negotiations. My Representative on that same day submitted a working paper on the armed forces that has been the subject of several revisions in the course of negotiations since.

3. From December 1990 through February 1991, my Representative participated in the four rounds of direct talks held between the parties and shuttled frequently between them. Although some cumulative progress was made on the question of the armed forces, the parties were not able to reach a formal agreement on this item. In March 1990, following a proposal to that effect by the Farabundo Martí National Liberation Front (FMLN), the parties agreed to continue negotiations within a concentrated scheme, giving priority to three issues included in the first stage of negotiations: the armed forces, constitutional reforms and cease-fire arrangements.

4. On 4 April 1991, I informed the Security Council (S/22494, annex I) of the above-mentioned development, and I stressed that time was limited for these negotiations as constitutional reforms had to be approved in two consecutive legislatures and had therefore to be submitted before 30 April 1991, which was the closing date of the outgoing Legislature.

5. Following several weeks of protracted negotiations, on 27 April 1991 the Government of El Salvador and the FMLN signed the Mexico Agreements (A/46/553-S/23130) covering a series of constitutional reforms relating, inter alia, to the role of the armed forces and their subordination to civilian authorities, the creation of a National Civil Police separate from the armed forces, the judicial system and human rights, and the electoral system. A number of complementary agreements on these issues, including the need for secondary legislation, were also reached. The parties also agreed to the establishment of a Commission on the Truth, to be composed of three individuals appointed by the Secretary-General after hearing the opinion of the parties. The Commission shall have the task of investigating serious acts of violence that have occurred since 1980, the impact of which on society urgently demands that the public should know the truth. During the April talks in Mexico, considerable ground was covered on the subject of cease-fire arrangements in separate talks with each of the parties held by the Under-Secretary-General for Special Political Affairs, who prepared a working paper that was submitted to the parties.

6. In May and June 1991, two successive rounds of talks proceeded in Caraballeda, Venezuela, and Querétaro, Mexico, within a concentrated framework as agreed in Mexico on 27 April. The aim was to reach, as a matter of priority, a political agreement on the armed forces and the necessary accords for the cessation of the armed confrontation under United Nations verification. In addition to my Personal Representative, the Under-Secretary-General for Special Political Affairs participated in talks on cease-fire arrangements. Although progress was made, particularly on the question of the creation of a National Civil Police, it was not possible to make substantive headway regarding cease-fire arrangements.

7. The talks following the Mexico Agreements evinced a fundamental difficulty in achieving a cease-fire within the two-stage framework laid down in the Geneva and Caracas Agreements, which provided for a cease-fire coupled with continued, open-ended negotiations, the result of which could not be assured. Within this framework, FMLN insisted on the need for cease-fire arrangements which would allow it to preserve its military capability, arrangements which proved unacceptable to the Government.

8. On the occasion of the First Ibero-American Summit held in Guadalajara, Mexico, in July 1991, I met separately with President Cristiani and with the FMLN General Command. I also met with the Presidents of Colombia, Mexico and Venezuela and the President of the Spanish Government - the Friends of the Secretary-General - in order to evaluate the status of the process. At those meetings we discussed, inter alia, the advisability of reviewing the two-phase format of the negotiating process to see whether the negotiations could be

compressed into a single phase in order to establish before a cease-fire the necessary conditions and guarantees for the reintegration of the FMLN members into the country's civilian, institutional and political life within a framework of full legality. At Guadalajara, the four above-mentioned Presidents issued a strong statement in support of the negotiating process and in particular for my own efforts.

9. In connection with and in reply to a joint letter of 1 August 1991 from the Secretary of State of the United States of America and the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, I put to them a number of concrete ideas regarding the critical juncture of the negotiations existing at the time and the way in which they could be of assistance in helping me to break the deadlock in the negotiations (S/22963). I noted that there were fundamental issues that had to be grappled with in order to go beyond the success so far achieved and, specifically, to obtain a cease-fire. These were the subject of my Personal Representative's shuttling between President Cristiani and the FMLN commanders during that period.

10. On 30 August 1991, I informed the members of the Security Council that I had issued invitations to President Cristiani and to the FMLN General Command to visit United Nations Headquarters in New York on 16 and 17 September so that I could consult with them personally to address squarely the question of the guarantees and conditions for the reintegration of the members of FMLN into society, which under the Geneva and Caracas Agreements would only have been taken up during the second, post-cease-fire stage of the negotiations, and thus to give the process new impetus. The consultations, in fact, lasted until 25 September, on which date an agreement, known as the New York Agreement, was signed in my presence by Representatives of the Government of El Salvador and by the General Command of FMLN.

11. It was my firm expectation that the New York Agreement (A/46/502-S/23082) would break the deadlock in the negotiations. The text of the Agreement consists of two parts. It provides for the creation of a National Commission for the Consolidation of Peace (COPAZ) to be composed of two representatives of the Government, two of FMLN and one member of each of the political parties or coalitions currently represented in the Legislative Assembly of El Salvador. The Archbishop of San Salvador and a representative of ONUSAL would participate as observers. The purpose of COPAZ was to oversee and supervise the implementation of all political agreements reached by the parties. COPAZ was conceived as a machinery for the control and participation of Salvadorian civilian society in the process of changes resulting from the negotiations, both in relation to the armed forces as well as to all other matters on the agenda. It was to be a compulsory consultative mechanism for all major decisions affecting the implementation of the agreements, and it would begin formal operation within eight days of the signing of a cease-fire. Its creation was to be sanctioned by law. The Agreement also contains provisions regarding the purification of the armed forces, its doctrine and training system, the establishment of the National Civil Police (NCP) and on economic and social questions. The parties also agreed to a

document entitled "The Compressed Negotiations" (A/46/502/Add.1-S/23082/Add.1, annex), which is an integral part of the New York Agreement and which established that all substantive items would be negotiated and agreed before the cease-fire; that the cease-fire would be of a predetermined duration, short and dynamic; and that no substantive negotiations would take place during the cease-fire, only the implementation of agreements. It also spelled out the substantive items on the agenda that would be negotiated and settled prior to the cease-fire.

12. On 30 September 1991, I informed the Security Council that negotiations would resume on 12 October and that following the New York Agreement, conditions had been established for the opening of the final phase in the negotiations. I suggested that the moment might have come for the parties to the armed confrontation to reach a modus vivendi for the gradual cessation of hostilities. I also suggested that, if accepted, such a modus vivendi might include a simple liaison mechanism consisting in the detachment of United Nations military observers to the command of both parties. In its resolution 714 (1991), the Security Council, inter alia, reaffirmed its strong support for the urgent completion of the peace process, expressed its readiness to support the implementation of a settlement and urged both sides to exercise maximum and continuing restraint, particularly with respect to the civilian population, in order to create the best climate for a successful last stage of the negotiations.

13. In the New York Agreement, the Organization was requested to assist in the implementation of the accords. One such request was to coordinate advisory services and support for the establishment of the National Civil Police. In this context, I sent a group of five experts to El Salvador from 8 to 23 October 1991 in order to formulate recommendations on this matter on the basis of understandings and agreements reached in the course of the negotiations and tailored to the specific needs and idiosyncracies of El Salvador. For this purpose, they conducted interviews with Salvadorian authorities as well as with FMLN representatives and representatives of many sectors of society who would have an interest or particular knowledge in this field. A report containing their conclusions and recommendations on the establishment and functioning of the National Civil Police has been made available to the negotiating parties.

14. The decision reached in New York to create COPAZ had generated intensive activity by the political parties and thus broadened the political base of support for the peace process. The future members of COPAZ have already held several meetings, laying the groundwork to assume the substantive responsibilities which they will have to shoulder, without awaiting the formal establishment of the Commission. I commend these developments.

15. Negotiations took place from 13 to 21 October and from 3 to 16 November 1991 and are currently under way in Mexico on an intensive, virtually uninterrupted basis, with the continued active participation of my Representative. Both sides have repeatedly affirmed their desire to reach agreement as rapidly as possible on the remaining pending issues, which are of

considerable complexity. The FMLN decision to cease offensive operations unilaterally on 16 November was a positive development, as was President Cristiani's rapid, favourable reaction. Armed confrontation appears to have considerably dwindled since then. This is an encouraging development, which cannot but raise the level of confidence of the Salvadorian people in the prospects for a negotiated political solution to the conflict, but which, in the absence of specific agreements and independent monitoring, is inherently fragile. There continue to be in El Salvador groups which, though increasingly isolated, are extremely strident in their opposition to the negotiating process, and which persist in issuing threatening statements against all whom they perceive as supporting it. I am confident, however, that the parties to the negotiations, as well as the Salvadorian body politic and people as a whole, will hold steadfastly to the course they have set themselves, during this final stretch in the negotiations. The strong support of the international community will continue to be needed until a cease-fire is reached and beyond, in the delicate phase of transition to a durable peace.

16. Throughout this process, I and my Personal Representative, Mr. Alvaro de Soto, have continued to work closely with a certain number of Governments in a position to assist in my efforts. I wish to record my sincere appreciation to them, and in particular to those of Colombia, Mexico, Spain and Venezuela, which have provided strong support and encouragement.

Guatemala

17. In my last report, I noted that on 30 March 1990, a delegation of the National Reconciliation Commission of Guatemala, acting with the full support of the Government of the Republic, and a delegation of the Unidad Revolucionaria Nacional Guatemalteca (URNG) had signed at Oslo a "Basic Agreement for the Search for Peace by Political Means", with a view to initiating a process which, by seeking ways to bring about a peaceful solution of the nation's problems, would culminate in the attainment of peace and the enhancement of functional and participatory democracy in Guatemala (see A/45/706-S/21931, paras. 29 and 30). I also mentioned that, pursuant to the Oslo Agreement, five meetings had been held in 1990 between representatives of URNG and representatives of various political, business, religious and social sectors in Guatemala, in the presence of the Conciliator and Chairman of the National Reconciliation Commission and of my appointed Observer. I expressed the hope that the process initiated by the signing of the Oslo Agreement would continue and pave the way for a process of reconciliation and peace in Guatemala.

18. On 26 April 1991 at Mexico City, the Government of Guatemala, whose President, as a result of the elections held in late 1990, was now Mr. Jorge Serrano Elías, and the Unidad Revolucionaria Nacional Guatemalteca (URNG) signed an Agreement on the procedure for the search for peace by political means (A/45/1007-S/22563, annex) in which they agreed to hold talks with the Chairman of the National Reconciliation Commission of Guatemala, Monsignor Rodolfo Quezada Toruño, acting as Conciliator and with the

Representative of the Secretary-General of the United Nations, Mr. Francesc Vendrell, acting as Observer. Under this Agreement, the two parties undertook to conduct a process of negotiation that would permit, in the shortest possible time, the signing of an agreement on a firm and lasting peace which would set out political agreements, how they were to be implemented and executed by the parties and how their fulfilment was to be verified by the United Nations and such other bodies as the parties might designate by mutual agreement. The Government and URNG agreed to hold negotiations through direct meetings between the parties, with the active participation of the Conciliator and in the presence of the Observer, or through indirect meetings through the Conciliator and in the presence of the Observer. The two parties also agreed not to abandon the negotiating process unilaterally and to pursue it without interruption, in accordance with the agreed procedure, until the negotiating agenda was exhausted. In so doing, they undertook to act in good faith in an atmosphere of complete mutual respect and reiterated their express determination to reach political agreements for achieving a firm and lasting peace that would bring the internal armed conflict in Guatemala to an early, definitive end. The Government and URNG undertook to be duly represented in the negotiations by high-level delegates, in order to negotiate and conclude political agreements in accordance with the existing constitutional framework.

19. At the same meeting, held at Mexico City in April with the participation of the Conciliator and my Representative, the Government and URNG signed an Agreement on a general agenda (A/45/1009-S/22573, annex) comprising the following items: democratization, human rights, strengthening of civilian authority and the role of the army in a democratic society, identity and rights of indigenous peoples, constitutional reforms and electoral system, socio-economic aspects, agrarian situation, resettlement of populations uprooted by the armed conflict, bases for bringing URNG into the political life of the country, arrangements for the cease-fire, timetable for the implementation, fulfilment and verification of agreements, signing of the agreement on a firm and lasting peace, and demobilization.

20. After reaching the agreements on procedure and the agenda, the parties held two rounds of direct negotiations on substantive issues at Cuernavaca and Querétaro, Mexico, in June and July respectively. These culminated in the signing at Querétaro on 25 July 1991 of a framework agreement on democratization in the search for peace by political means which is annexed to this report. The parties then held two rounds of talks at Mexico City in September and October 1991 on the item of human rights. Although valuable progress was made at these meetings towards narrowing the differences between the parties, it was agreed at the end of October that the Conciliator and the Observer would hold a series of shuttle meetings with the two parties in order to give greater impetus to the process and to reach substantive agreements on the very important issue of human rights. The Conciliator and my Representative are currently engaged in these meetings, which I hope will bear fruit in the not too distant future. I consider it my duty to point out that, despite the speed with which the two parties agreed to the procedure and the general agenda, the negotiations have not progressed at the desired rate. I

hope that the conclusion of an agreement on specific, verifiable measures in the area of human rights will reinvigorate the process, which I consider vitally important for overcoming the serious problems which Guatemala has faced for so many years.

21. Since the beginning of the year, my Representative has travelled frequently to meet with President Serrano and with URNG commanders. I myself met with President Serrano twice, first at Guadalajara, Mexico, in July 1991 on the occasion of the First Ibero-American Summit and again during President Serrano's recent visit to the United Nations.

United Nations Observer Mission in El Salvador

22. By its resolution 693 (1991), the Security Council, on 20 May 1991, decided to establish under its authority a United Nations Observer Mission in El Salvador (ONUSAL), based on my recommendation (S/22494 and Corr.1 and Add.1). ONUSAL's mandate is to monitor, as an integrated peace-keeping operation subject to approval by the Council, all agreements concluded between the Government of El Salvador and FMLN. ONUSAL's initial mandate, extending up to 30 June 1992, is to verify the compliance by the parties with the San José Agreement on Human Rights (A/44/971-S/21541, annex). ONUSAL became operational on 26 July 1991 and is now firmly established, with its headquarters in San Salvador. It has established four regional offices in San Salvador, San Miguel, San Vicente and Santa Ana and two sub-offices in Chalatenango and Usulután. Its operational teams include human rights observers, legal officers, political officers, police observers and military liaison officers. It has established working contacts with both parties at the political and the operational levels and has received full cooperation from them. ONUSAL's activities and observations have been presented in two reports covering the period up to 30 October 1991 (A/45/1055-S/23037 and A/46/658-S/23222).

United Nations Observer Group for Central America

23. Since last year's report, the Security Council has approved, on three separate occasions, in resolutions 675 (1990) of 5 November 1990, 691 (1991) of 6 May 1991, and 719 (1991) of 6 November 1991, the extension of the mandate of the United Nations Observer Group in Central America (ONUCA) as defined in resolution 644 (1989). The size of ONUCA has been reduced in the meantime to a total number of 132 military observers. The current mandate of ONUCA terminates on 30 April 1992. The Security Council has requested me to report before 6 February 1992, taking account of any developments in the region which indicate that the present size of the Observer Group or its future should be reconsidered.

Security Commission

24. The meetings of the Security Commission, established under Esquipulas II, continued with the participation of officials from the United Nations Secretariat and OAS. The meetings were held at Tegucigalpa, Honduras, on 23 and 24 November 1990, at Managua, Nicaragua, on 12 and 13 April 1991, at Guatemala City, on 19 and 20 September 1991, and at San José, Costa Rica, on 24 and 25 October 1991.

25. At the Tegucigalpa meeting, the Commission dealt with such matters as the model report on weapons inventories, verification of inventories, the question of mines and the disarming of civilians. This work was continued at the Managua meeting, which also dealt with the strengthening of ONUCA. As regards the inventories of weapons, the Commission agreed to postpone consideration of this matter to the next meeting, but little progress was made in Guatemala City on this issue. The Commission did, however, endorse the verification mechanisms that had been elaborated by its Technical Subcommission, which met on several occasions during the year.

26. The Commission held a special meeting in San José to discuss the Security Treaty which had been submitted by Honduras at the Central American Presidents' summit held in El Salvador in July 1991.

ANNEX

Querétaro Agreement

The Government of the Republic of Guatemala, the Unidad Revolucionaria Nacional Guatemalteca (URNG) and the National Reconciliation Commission (CNR), at the close of the meeting on democratization in the search for peace by political means, express their appreciation for the generous hospitality and support shown for the Guatemalan peace process by the Government and people of Mexico during the meeting held in the city of Querétaro from 22 to 25 July, which culminated today in the signing of this historic Agreement.

Querétaro, Mexico, 25 July 1991

Framework Agreement on Democratization in the Search for Peace by Political Means

"Querétaro Agreement"

With the aim of achieving the objectives set forth in the Esquipulas II Agreement of 7 August 1987 and in accordance with the Oslo Agreement of 30 March 1990, the delegations of the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), having pursued negotiations under the Oslo Agreement with the Chairman of the National Reconciliation Commission, Mr. Rodolfo Quezada Toruño, acting as Conciliator, with the participation of the National Reconciliation Commission (CNR) and with the Representative of the Secretary-General of the United Nations Mr. Francesc Vendrell, acting as Observer, and hereby placing on record the agreements which they have reached on the item "democratization" of the general agenda adopted at Mexico City on 26 April 1991,

CONSIDER THAT:

1. The political forces and the various sectors which make up Guatemalan society have expressed their desire for the achievement of peace, democracy and social justice.

2. The Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) have agreed to pursue a process of negotiations whose final objective is the search for peace by political means, the enhancement of functional and participatory democracy and the laying of foundations on which to build national development and progress, thereby ensuring democratic coexistence and the attainment of the common good.

3. Considering the issue of democratization makes it possible to establish a general framework within which to approach coherently the other items to be discussed in the negotiating process.

4. Guatemala requires measures which ensure the development of political, economic, social and cultural democratization.

The Government of the Republic of Guatemala recognizes its responsibility to implement measures which are in the population's interest and guarantee the country's democratization.

5. The procedures and agreements resulting from the discussion of the general agenda adopted in Mexico are fundamental to the process of enhancing functional and participatory democracy, and the Conciliator should therefore inform the Guatemalan people objectively and fairly about their content.

6. Any political agreements reached by the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) must

reflect the legitimate aspirations of all Guatemalans and lead to institutional measures and the proposal of constitutional reforms to the Congress of the Republic, within the framework and in the spirit of the Political Constitution of the Republic of Guatemala and the Oslo, El Escorial and Mexico Agreements.

Accordingly, the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG),

AGREE:

I. That the strengthening of functional and participatory democracy requires:

(a) The pre-eminence of civilian society;

(b) The development of democratic institutions;

(c) The effective functioning of a State subject to the rule of law;

(d) The permanent elimination of political repression, electoral fraud and coercion, military abuses and pressures, and anti-democratic, destabilizing actions;

(e) Unconditional respect for human rights;

(f) Subordination of the role of the armed forces to civilian authority;

(g) Recognition of and respect for the identity and rights of indigenous peoples;

(h) Access by all Guatemalans to the benefits of national production and natural resources, and enjoyment thereof, which must be based on principles of social justice;

(i) Effective resettlement of populations uprooted by the internal armed conflict.

II. That democratization means guaranteeing and promoting participation, whether direct or indirect, by civilian society in general in the formulation, implementation and evaluation of government policies at the various levels of government, recognizing the right of all social groups in the nation to enjoy fair and equitable labour relations, their own forms of culture and organization, and full respect for human rights and the law.

III. That this Agreement must be disseminated widely to the people of Guatemala and, in particular, to the sectors which took part in the dialogue at the meetings held under the Oslo Agreement and the National Dialogue, and

that they must be informed by the Conciliator in order to ensure that the Agreement is duly understood.

IV. This Agreement shall be placed on record and form part of the Agreement on a firm and lasting peace, and shall serve as a framework for considering the other items to be negotiated, taking into account the particular aspects and specific concerns relating to each one.

Querétaro, Mexico, 25 July 1991

FOR THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA

(Signed) Manuel CONDE ORELLANA
Secretary-General of the Presidency of the Republic

(Signed) Fernando HURTADO PREM
Minister of the Interior

(Signed) Brigadier General
Mario René ENRIQUEZ MORALES
Commander of the Military Brigade Guard of Honour

(Signed) Staff Colonel
Marco A. GONZALEZ TARACENA
Director of Intelligence of the National Defence Staff

(Signed) Rubén Amílcar BURGOS SOLIS
Special Counsellor to the Presidency of the Republic

(Signed) Manolo BENDFELDT ALEJOS
Minister of Urban and Rural Development

(Signed) Brigadier General
José D. GARCIA SAMAYOA
Deputy Chief of the National Defence Staff

(Signed) Staff Colonel
Julio A. BALCONI TURCIOS
Commander of the Mobile Military Police

(Signed) Ernesto VITERI ECHEVERRIA
Special Counsellor to the Presidency of the Republic

(Signed) José Luis ASENSIO AGUIRRE
Adviser to the President of the Republic

FOR THE UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA (URNG)

General Command

(Signed) Commander Gaspar ILOM

(Signed) Commander Pablo MONSANTO

(Signed) Commander Rolando MORAN

Political and Diplomatic Commission

(Signed) Francisco VILLAGRAN MUÑOZ

(Signed) Luis BEKKER GUZMAN

(Signed) Miguel Angel SANDOVAL

(Signed) Mario CASTAÑEDA
Adviser

FOR THE NATIONAL RECONCILIATION COMMISSION

(Signed) Teresa BOLAÑOS DE ZARCO

(Signed) Alfonso CABRERA HIDALGO

(Signed) Mario PERMUTH LISTWA

(Signed) Oliverio GARCIA RODAS

(Signed) Monsignor Rodolfo QUEZADA TORUÑO
Conciliator
Chairman of the National Reconciliation Commission

FOR THE UNITED NATIONS

(Signed) Francesc VENDRELL
Representative of the Secretary-General
of the United Nations

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/46/714
2 December 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda items 19 and 98

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

HUMAN RIGHTS QUESTIONS

Letter dated 26 November 1991 from the Permanent Representatives of Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Vanuatu to the United Nations addressed to the Secretary-General

We, the Permanent Representatives of Angola, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Vanuatu would like to bring to your attention the reports of Amnesty International entitled "East Timor - The Santa Cruz Massacre" and "East Timor - After the Massacre", related to the human rights situation in that Territory, dated respectively 14 and 21 November 1991 (see annexes I and II).

We request that the present letter and its annexes be published as an official document of the General Assembly, under agenda items 19 and 98.

(Signed) Afonso VAN-DUNEM "MBINDA"
Permanent Representative of the
People's Republic of Angola to
the United Nations

(Signed) José Luis JESUS
Permanent Representative of the
Republic of Cape Verde to the
United Nations

(Signed) Boubacar TOURE
Permanent Representative of the
Republic of Guinea-Bissau to the
United Nations

(Signed) Pedro Comissario AFONSO
Permanent Representative of the
Republic of Mozambique to the
United Nations

(Signed) Fernando José REINO
Permanent Representative of
Portugal to the United Nations

(Signed) Robert F. VAN LIEROP
Permanent Representative of the
Republic of Vanuatu to the
United Nations

ANNEX I*

amnesty international

EAST TIMOR

The Santa Cruz Massacre

14 November 1991
AI Index: ASA 21/23/91
Distr: SC/CO

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

* Reproduced in the language of submission only.

EAST TIMOR

The Santa Cruz Massacre

Introduction

Between 50 and 100 people were killed and scores were wounded when Indonesian security forces opened fire on a group of mourners at Santa Cruz cemetery in Dili, East Timor on 12 November 1991. Dozens of others, including two foreign journalists, were beaten during the incident. At least 42 people, and possibly many more, have been detained. The victims were among hundreds of people who had gone to the grave of Sebastiao (Gomes) Rangel, a young man killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding.

Indonesian military authorities have expressed regret at the deaths and have promised to investigate the incident. However, they have attempted to justify the massacre by claiming that security forces had used force when attacked by "rioters". Eyewitnesses have stated categorically that the procession was peaceful and that the soldiers opened fire without warning and without provocation.

Amnesty International is calling for an immediate and impartial investigation into the circumstances of the massacre at Santa Cruz, and for guarantees that those responsible for extrajudicial executions or for the ill-treatment of prisoners will be brought promptly to justice. It believes that investigations must be carried out by an independent body with no link to the security forces allegedly responsible for the massacre. It urges the Indonesian authorities to permit an investigation to be carried out under the auspices of a recognized international body, such as the United Nations Special Rapporteur on Summary or Arbitrary Executions. Amnesty International is also seriously concerned for the safety of those arrested and is urging that those detained solely for their non-violent political activities or beliefs be immediately released and that, following their release, their safety be guaranteed.

The Massacre

The following account is based on information available on 14 November 1991 from a variety of sources, including a number of eyewitnesses and statements by Indonesian government and military authorities.

The massacre took place at the Santa Cruz cemetery in Dili at about 8 am on 12 November. The victims were among several hundred people who had joined a procession to the cemetery following an early morning memorial mass for Sebastiao (Gomes) Rangel, reportedly killed by Indonesian security forces on 28 October at the parish church of Motael. Eyewitnesses said that the procession was peaceful although some members of the group had shouted pro-independence slogans and a flag of the nationalist movement Fretilin had been seen.

Security forces, many of them carrying long sticks or truncheons, were in evidence along the route to the cemetery. However, with the exception of a brief scuffle between soldiers and young men at the tail-end of the procession, no clashes or physical confrontations were reported by non-governmental sources. According to one eyewitness account, a scuffle began near the Hotel Resende when a small number of soldiers ran after members of the procession and beat them with truncheons. The marchers retaliated by throwing stones, and shouting, but no injuries were reported. There were also reports that a separate group had gone to the Hotel Turismo where the UN Special Rapporteur on Torture was staying, but finding the hotel surrounded by security forces, they left after a short demonstration. Eyewitnesses said that throughout the procession itself considerable effort was exerted by organizers to ensure that discipline was maintained.

The shooting took place five to ten minutes after the crowd had reached the cemetery. Some banners had been hung, people talked among themselves and a number shouted pro-independence slogans like "Viva Timor Leste!". At this point, a large contingent of armed soldiers arrived from two different directions. Eyewitnesses said that hundreds of soldiers, carrying M-16 automatic weapons and wearing brown uniforms, approached the cemetery on foot from one direction, while a smaller group - possibly of the paramilitary Police Mobile Brigade (Brimob) - arrived in trucks from another direction.

As the soldiers approached, there was considerable tension; people in the cemetery began spontaneously to move away from them in fear. According to eyewitnesses, the foot soldiers marched to the entrance of the cemetery, formed a line about 12 men abreast, then opened fire on the crowd. No warning was given. Some soldiers reportedly fired into the air but others levelled their weapons at the crowd. The walls of the cemetery and the large number of people made it difficult to escape, but the shooting continued even as people tried to flee. Some were believed to have been shot in the back while running away. The shooting stopped and resumed several times, suggesting that it was planned and deliberate, rather than a spontaneous reaction to provocation. An eyewitness said: "Looking down the road I saw body after body, and the soldiers kept firing at those who were still

standing."

Estimates of the number killed vary widely. One eyewitnesses said that he saw "dozens and dozens" of bodies lying on the ground, but said that the shooting continued after he had left the area in a truck. Other sources have estimated the number of dead at between 50 and 180. An Indonesian military spokesman said initially that fewer than 100 had died, but on 14 November the government announced that "only 19" had been killed. Among those reported to have died of gun-shot wounds was a student from New Zealand, Kamal Bamadhaj. Witnesses said that officials of the International Committee for the Red Cross (ICRC) had taken him to hospital where he died of his wounds. Amnesty International has also learned the names of several others feared dead but it has been unable to clarify their fate. The military commander for East Timor told reporters on 14 November that the bodies of those killed had been buried immediately in unmarked graves in a deserted cemetery on the outskirts of Dili.

Dozens of people were said to have been beaten badly during the incident, among them two US journalists, Alan Nairn and Amy Goodman, who subsequently left the territory. Soldiers reportedly used their weapons to club people over the head and kicked them in the stomach with heavy military boots. Amy Goodman, who was beaten and kicked, described the soldiers' behaviour as "vicious" and unprovoked. She said that they screamed as they beat her: "Politics! Politics!". On 14 November the government acknowledged that 91 people had been injured. Independent sources said there were at least 89 people in hospital in Dili, suffering injuries from beatings or gunshot wounds. Unconfirmed reports said that as many as 14 people had died of their wounds in hospital.

Scores of people were believed to have been arrested in connection with the incident. Eyewitnesses said that the streets of Dili were deserted for much of the day, and that security forces were roaming the streets firing their weapons indiscriminately and carrying out arrests. Many of those arrested were believed to have been taken to the police headquarters in Dili (POLWIL), and a smaller number to the District Military Command (KODIM). There were fears that those detained might be at risk of ill-treatment or torture. One man who was released after questioning on 13 November said that 100 people were still held at the POLWIL and that many had been tortured or ill-treated in custody. The government has acknowledged the arrest of 42 people, while unofficial reports suggested that as many as 300 may have been detained.

The Government Response

Indonesian government and military authorities have formally expressed regret at the deaths at Santa Cruz and have promised to investigate the incident. However, in a series of public statements, beginning in the evening of 12 November, the authorities have appeared to try to justify the action of security forces, and to place responsibility for the massacre on opposition forces and the mourners themselves. Commenting on the incident, the Commander of Regional Military Command IX (KODAM IX/Udayana) which covers East Timor, said: "The authorities will never

be in any doubt about taking tough action against abuse of our persuasive approach. The only order is: To kill or to be killed."

Government and military authorities have described the memorial procession as a "riot" of 2,000 to 3,000 people, and have claimed that the security forces fired their weapons when "the mob attacked them brutally". Military authorities also said that a number of guns, grenades, ammunition, banners and a Fretilin flag had been seized. One spokesman said that "security officers tried to disperse them in persuasive ways but they put up resistance and attacked the officers." On 14 November Armed Forces Commander, General Try Sutrisno, said: "We are a great nation which respects human rights. If there were victims in the Dili incident...it was because the security forces were forced to do so, not because of ignoring human rights". Apparently attempting to justify the killings, military authorities drew particular attention to the fact that one military officer, Major G. Lantara, a Deputy Battalion Commander, had been injured in the incident and was thought to have died. A military spokesman said: "You can imagine what the soldiers would do if they saw their commander die."

In the face of mounting evidence of military responsibility for the arbitrary killings, the official position began to change slightly, but the authorities continued to claim that the military action had been provoked by members of the procession. The Foreign Minister, Ali Alatas, who has worked hard to improve Indonesia's human rights image in recent years, expressed his regret at the loss of life. He stressed that the government had not ordered the massacre and did not condone it, but said that "the security forces had to take action." The military commander for East Timor, Brigadier General Warouw, suggested that the killings had been the result of "...a misunderstanding by the soldiers... they shot because of the tension."

An account provided by the Regional Military Commander for KODAM IX/Udayana was, in almost every respect, inconsistent with the body of independent evidence and eyewitness testimony. He claimed that the shooting began when security forces prevented the procession from going to see the UN Special Rapporteur on Torture at the Hotel Turismo, whereas all existing evidence indicates clearly that the killings took place at Santa Cruz cemetery, after the procession had ended. The Commander also claimed that a pistol had been fired and a grenade thrown by members of the crowd; and that the soldiers had begun to fire in response, although an officer had shouted "Don't Shoot". Then, according to this version of events, "...the crowd advanced and gave the troops no option but to fire into the crowd." These claims were at odds with the testimony of eyewitnesses, cited above, who said that the soldiers fired on the crowd without warning and continued to fire even as people tried to flee.

On 14 November, the Minister for Home Affairs, retired Admiral Sudomo, reiterated the government's promise to "investigate the incident in line with existing regulations and laws and will bring the culprits to court." However, in view of the fact that the government had blamed opposition forces for provoking the incident, it was not clear whether members of the security forces would be

/...

brought to justice. Moreover, Sudomo clarified that the investigation would be conducted by a team set up by the Commander of the Armed Forces, thus giving rise to further doubts about the likelihood of a thorough and impartial investigation.

Background

The incident at the cemetery in Dili occurred in the context of heightened tension surrounding a planned visit to East Timor by a delegation of Portuguese parliamentarians. The visit was postponed shortly before the delegation was scheduled to arrive in early November, amid reports of widespread intimidation of East Timorese pro-independence activists by Indonesian security forces. Sebastiao (Gomes) Rangel was one of two people reportedly killed on 28 October 1991 when Indonesian security forces opened fire in the compound of Motael Church, also in Dili. Military officials claimed the victims had died during a fight between pro-independence activists and "passers-by". Witnesses claimed that the "passers-by were in fact military intelligence agents who had come to arrest the political activists. (See UA 357/91, ASA 21/18/91, 28 October 1991; and follow up ASA 21/19/91, 30 October 1991).

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory, including extrajudicial executions, torture and ill-treatment, "disappearance" and political imprisonment.

At least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions. A pattern of short-term detention, ill-treatment and torture of political detainees appears to have worsened in the last year. More than 400 people have been detained in East Timor since late 1988 for their alleged involvement in pro-independence political activities; at least 200 of them since early 1990. Many may be or may have been prisoners of conscience and many have reportedly been ill-treated or tortured in custody. Forms of torture have included beatings with iron bars, batons and fists, burning with lighted cigarettes, slashing with razor blades and immersion for long periods in fetid water.

Serious limitations remain on the reporting of human rights violations in East Timor in spite of the "opening" of the territory to tourism and commerce in January 1989. Those suspected of disseminating human rights information in East Timor and in Indonesia are closely watched by the authorities and have a well-founded fear that they may themselves become victims. Telephone and postal communications are monitored; contacts with foreign journalists and tourists or with international organizations like the International Committee of the Red Cross (ICRC) are treated with suspicion and are sometimes the subject of investigation by the intelligence authorities. While some foreign visitors have been able to travel with apparent freedom in certain parts of the territory, most continue to be subjected to close surveillance by military and police intelligence. Finally,

notwithstanding government assurances that access to the territory is unrestricted, and in spite of repeated requests, Amnesty International has not yet been permitted to visit East Timor or Indonesia.

ANNEX II*

amnesty international

EAST TIMOR

After the Massacre

21 November 1991
AI Index: ASA 21/24/91
Distr: SC/CO

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

* Reproduced in the language of submission only.

/...

EAST TIMOR
After the Massacre

Introduction[1]

About 100 people were killed and scores were wounded when Indonesian security forces opened fire for several minutes on a group of mourners at Santa Cruz cemetery in Dili, East Timor on 12 November 1991. Dozens of others were badly beaten during the incident. The victims, many of them school students and other young people, were among an estimated 3,000 people who had gone to the grave of Sebastiao (Gomes) Rangel, a young man killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding.

At least 42 people, and possibly as many as 300, have subsequently been detained, and some have reportedly been tortured and killed in police and military custody. According to one report, between 60 and 80 detainees, including witnesses of the Santa Cruz massacre, were taken from various prisons in Dili on 15 November, driven to a spot several miles outside the town, shot and buried in unmarked graves. Dozens of East Timorese were reportedly detained for questioning in Jakarta, on 20 November, following a demonstration in which they called for a thorough investigation into the killings and a referendum on East Timor's political status.

Indonesian government and military authorities have expressed regret at the deaths and the government has established a National Investigation Commission to inquire into the incident. However, the authorities have attempted to justify the massacre by claiming that security forces used force only when attacked and provoked by "a brutal mob". Several eyewitnesses, including a delegate of the International Committee of the Red Cross (ICRC) and a number of foreign journalists, have stated categorically that the procession and graveside ceremony were peaceful and that the soldiers opened fire without warning and without provocation. Amnesty International has viewed film footage and photographs of the incident which corroborate their testimony.

Amnesty International is calling for a thorough, impartial investigation into the circumstances of the massacre at Santa Cruz, and of the alleged extrajudicial executions of 15 November. It is also seeking guarantees that those responsible for extrajudicial executions or for the ill-treatment of prisoners will be brought promptly to justice. It believes that investigations must be carried out by an independent body which has no link with the security forces allegedly responsible for the massacre. It also believes that any investigating body must include a team of trained forensic experts. The organization urges the Indonesian authorities to permit investigations to be carried out under the auspices of a recognized international body, such as the United Nations (UN) Special Rapporteur on Summary or Arbitrary Executions.

---

[1] This document provides further information on the killings at Santa Cruz cemetery, Dili, originally documented in an Amnesty International report, East Timor: The Santa Cruz Massacre (ASA 21/23/91), dated 14 November 1991, and on subsequent developments to 21 November 1991.

Amnesty International is also seriously concerned for the safety of those arrested during and after the Santa Cruz incident, as well as scores of suspected political activists arrested during the past year. It is urging that those detained solely for their non-violent political activities or beliefs be immediately released and that, following their release, their safety be guaranteed.

Update on the Santa Cruz Massacre

The testimony of several foreign eyewitnesses confirms earlier reports that the killing at Santa Cruz appeared to be organized and pre-meditated, and that the procession was peaceful.[2] There does not appear to be any substantial evidence to support the government's claim that the killing was provoked by a violent attack by demonstrators, or the existence of a riotous mob. In important respects, the accounts of military and government authorities are entirely at odds with the weight of eyewitness and circumstantial evidence.

Several eyewitnesses have explicitly refuted claims by the Indonesian military authorities that the soldiers opened fire in response to some threat or physical provocation, such as a gunshot. One said that "*...there was absolutely no physical provocation visible throughout the whole procession*". Another said: "*It was a case of a planned and systematic massacre... This was a very disciplined operation. This was not a situation where you have some hothead who ran amok.*" Film footage of the incident, viewed by Amnesty International, shows soldiers armed with automatic weapons moving confidently, almost casually, around the cemetery and its perimeter during the course of the shooting. It is evident from their demeanour that they are neither encountering nor expecting physical opposition of any sort. The film also confirms that the security forces opened fire several minutes after the procession reached the cemetery and not during a scuffle in front of the Governor's office as military authorities have alleged.

Describing how the shooting began, one eye-witness said:...*as soldiers leapt off the trucks they formed a line and jogged towards the people and without warning opened fire directly into the crowd indiscriminately killing all in their view...many were shot in the back.* Another said: "*As the soldiers turned the corner they raised their M-16s and began all at once firing into the crowd.*"

The firing of automatic weapons reportedly continued for between two and three minutes without interruption, but then continued sporadically for some time. An eyewitness said that minutes after the shooting began he saw about 100 bodies lying on the ground, but he could not say how many were dead. Witnesses who had taken cover inside the cemetery said they saw soldiers beating those they found, including the wounded, with truncheons and the butts of their automatic weapons. One foreigner, discovered by soldiers while hiding in the cemetery, said:

[2] For a description of the massacre itself, see Amnesty International's East Timor: The Santa Cruz Massacre, (ASA 21/23/91), dated 14 November 1991.

/...

I left the crypt with at least 10 people bleeding profusely and several dead. All the way to the entrance to the cemetery I was confronted by soldiers brandishing knives and bayonets and thrusting them towards my face. I was kicked and beaten and had guns put to my head while they screamed at me.

Unofficial estimates of the number of people who died at Santa Cruz cemetery range from 50 to more than 200. Amnesty International has so far learned the names of more than 60 people feared to have died in the incident, or shortly thereafter (See Appendix I). The government claims that 19 people were killed and 91 injured in the incident.

Arrests

An estimated 300 people are reported to have been arrested following the Santa Cruz incident, although the government has only acknowledged holding 42 people. One person detained for questioning but later released said he counted 12 vehicles arrive at the police station in Dili, each carrying dozens of people, stripped to the waist and tied. There have been reports of the torture and killing of some detainees and there is serious concern for their safety. There is also concern for the safety of dozens of suspected political activists arrested during the past year, including at least 20 detained in the aftermath of the 28 October 1991 incident at the parish church of Motael, Dili, in which Sebastiao (Gomes) Rangel and one other man died.

Reports from Dili say that security forces and government backed vigilantes have detained dozens of people in house to house searches since the Santa Cruz incident. The whereabouts of many of those detained remain unclear, and relatives fear that they may have been killed. According to one report, three men from a single family and several other men from Bidau, Dili, were taken from their homes by security forces on or about 18 November, and have not been seen since. Arrests have also been reported from several places outside of Dili, including Baucau, Ainaro, Liquica and Lospalos, but the names of those detained are not yet known.

Military authorities have prevented relatives from visiting the wounded in hospital and those detained by the military and police. They have also prevented representatives of the ICRC from conducting independent and confidential visits to prisons and hospitals. An ICRC official said on 20 November that the conditions laid down by the military were unacceptable. "*We need to see the injured in the hospital, talk to them without witnesses... I cannot accept half steps. We have made many compromises but not any more.*"

The Reported Killings of 15 November 1991

Amnesty International has received unconfirmed reports that between 60 and 80 more people were extrajudicially executed on 15 November, and their bodies buried in large unmarked graves outside of Dili. The reported killings occurred just two days after the Armed Forces Commander, General Try

Sutrisno, called for the "trouble-makers" in East Timor to be shot. Those killed are said to have included witnesses to the 12 November incident as well as suspected or known political activists, arrested at the time of the incident and in house to house searches in the following days. According to reports, they were taken in military trucks from various prisons in Dili to a place on the outskirts of town. Before being loaded onto the trucks, the prisoners were reportedly made to strip naked; they were blindfolded and their hands were tied behind their backs. They were reportedly taken to the edge of newly-dug ditches and shot with automatic weapons. The troops responsible were said to have been members of the 700th and 744 Battalions of the Hasanuddin Division, based in South Sulawesi.

An eyewitness said that he would provide further details before a UN fact-finding delegation only if his safety could be guaranteed. A foreigner in Dili on 15 November said that, at about 11:45 am on that morning, he heard "*... a volley of automatic rifle fire that resounded right through the valley which lasted approximately 45 seconds....*", followed by sporadic fire for about 30 seconds. A number of people in Dili reported independently that they had seen between two and four trucks, each carrying dozens of people, leaving town earlier that morning. One claimed to have seen a large pit, about 6 feet deep and measuring about 25 feet by 30 feet, in which it was said the dead were buried.

Unlike the massacre at Santa Cruz, the alleged killings of 15 November were not directly witnessed by foreigners and there are no photographs or films of the event. The sole eyewitness to the event is unwilling to testify for fear of reprisals from the security forces. This has led to some confusion about whether the killings took place; an Indonesian military spokesman has called the report "*a big lie*". In Amnesty International's view, the lack of certainty in this case serves to highlight the importance of conducting prompt, independent and impartial investigations.

Protesters Arrested in Jakarta

Dozens of East Timorese demonstrating peacefully in Jakarta on 19 November, one week after the Santa Cruz killings, were detained by security forces. Military authorities initially denied that any had been detained, but unofficial sources said that at least 35 people had been held at the Central Jakarta Police Station. The local media reported that five East Timorese remained in custody on 21 November, but their names were not known. Amnesty International has learned the names of 13 said to have been held for questioning. In the absence of any information about the whereabouts of those detained, it remains concerned for their safety. The organization is also concerned that some may be charged for their peaceful political activities and beliefs.

The demonstrators went first to the office of the United Nations Information Office on Jalan Thamrin. Unable to enter the premises to present a statement addressed to the UN Secretary General, they instead read it aloud outside the gate. With banners and signs calling for a referendum on East Timor's political future and for inquiries into the massacre at Santa Cruz, they proceeded to the Embassies of Japan and Australia nearby. As they regrouped near the Hotel Indonesia, members of the riot police (SABHARA) moved in to disperse them and journalists were ordered to leave the vicinity. The demonstrators began to flee, but were chased by police who beat them with truncheons and loaded them

/...

onto three waiting vehicles. Two foreign journalists at the scene were taken aside by security forces and questioned about their links to the demonstrators before being released.

The next day, 20 November 1991, three Jakarta-based human rights activists were detained briefly by the security forces, apparently for their alleged involvement in the demonstration. Haji Poncke Princen, Director of the Institute for the Defence of Human Rights (LPHAM), Indro Tjahjono of the human rights organization "Infight" and one other were reportedly held for questioning at the office of the military intelligence body (BAKORSTANAS) for several hours. Haji Princen was one of a group of human rights activists and lawyers who had planned to travel to Dili on the same day in order to conduct independent investigations into the Santa Cruz massacre.

The Government and Military Response: An Update

The government has announced the formation of a seven-member National Investigation Commission to inquire into the killings. In a press statement on 19 November, the government said that the Commission was to be headed by a Supreme Court Judge and would have representatives from: the Departments of Home Affairs, Foreign Affairs, and Justice, and also from the Armed Forces Headquarters, the President's Supreme Advisory Council and the Parliament (People's Representative Assembly, DPR).[3] The government said that the Commission would be "*...free to carry out their tasks so that it could really find out what was actually going on during the incident...*". However, no details of the Commission's terms of reference were made public. Military authorities indicated that an internal investigation would be headed by the Deputy Chief of Strategic Intelligence, Major General Arie Sudewo, but no further details were made available.

Amnesty International is concerned that the government's National Investigation Commission and the military's investigation team may lack the necessary independence, credibility and forensic expertise to conduct a proper inquiry.

Restrictions which military authorities have placed on access to the wounded and those imprisoned, and their refusal to release the names of those killed, wounded and imprisoned, reinforce doubts that the Commission's investigations will be thorough and impartial and that it will result in the perpetrators being brought to justice. Military authorities have continued to claim that "only 19" people died at Santa Cruz and have hindered efforts to establish an accurate account of the number and the identity of those killed. They have admitted that the bodies of many who died at Santa Cruz were

[3] According to the official press agency, the Commission will be comprised of: Supreme Court Judge Muhammad Jaelani SH; Clementino dos Reis D'amaral, a member of the DPR; Bin Mang Reng Say, Deputy Chair of the Supreme Advisory Council; Hari Sugiman, Director General of Socio-Political Affairs in the Ministry of the Interior; Hadi Wayarabi, Director General of International Organizations in the Ministry of Foreign Affairs; Anton Suyata, Inspector General in the Department of Justice, and Rear Admiral Sumitro, Inspector General of the Armed Forces.

immediately buried at an abandoned graveyard outside of Dili. The hasty disposal of the bodies has precluded the performance of proper post-mortem examinations or forensic tests. It has also prevented families from identifying the deceased and burying them according to their traditions or religious beliefs.

Military authorities have also indicated their intention to restrict the access of outside observers and investigators. Brigadier General Warouw said on 20 November that observers would be allowed to visit the wounded at the military hospital but that they "*...will not be able to talk to them until our interrogations are over because the sight of foreigners could make them start talking about wild rumours.*" On 21 November, he told a journalist that the time was "*not yet right*" for the ICRC and other observers to visit the wounded.

The statements of military and government authorities since the Santa Cruz massacre have also raised very serious questions about the government's sincerity in conducting prompt, thorough and impartial investigations and about the likelihood that the perpetrators will be brought to justice. While they have formally expressed regret at the loss of life at Santa Cruz, military and government authorities have attempted to evade responsibility for the killings. They have accused political activists associated with the nationalist movement Fretilin of provoking the incident, and have claimed that soldiers fired as a result of a misunderstood order.

In a press release, dated 14 November, the government said: "*The police, who had made great efforts to pacify the crowd, were then attacked, and this resulted in some of the police being seriously injured...In order to disperse the demonstrators, the police inevitably had to use force which caused a number of deaths.*" In a separate statement released to the press at about the same time, the Commander of Regional Military Command IX/Udayana, which covers East Timor, referred to the mourners as "*the mob involved in the riot*". He said that the security forces had "*...failed in their persuasive efforts in dispersing the furious masses...*" and had been "*...compelled to defend themselves and to control the situation by firm actions.*" He specified that the actions of the soldiers were "*In accordance with the standing procedure*".

One day after the Santa Cruz killings, the Commander of the Armed Forces reportedly called explicitly for political opponents of Indonesian rule in East Timor to be "shot". Speaking at a seminar of the Association of Graduates the National Defence Institute (LEMHANAS) on 13 November, General Try Sutrisno said that people in the procession had "*spread chaos*" by unfurling posters with slogans discrediting the government, and by shouting "*many unacceptable things*". In response, he said, the soldiers had fired shots into the air, "*but they persisted with their misdeeds... In the end, they had to be shot. These ill-bred people have to be shot... and we will shoot them.*"

The military Commander for East Timor, Brigadier General Warouw, acknowledged on 20 November that his troops had fired their weapons into the crowd of mourners for between 5 and 10 minutes, but he denied that this was excessive.

Military authorities have reacted angrily to international expressions of concern over the human rights situation in East Timor. General Try Sutrisno said: "*This is an internal affair and their should be*

no meddling. If anyone wants to talk about human rights, Indonesia has had them since time immemorial. That's why you should study Pancasila [the state ideology]." On 21 November, according to the official news agency, he said: "*We will not accept any foreign interference*".

Members of the government have also resisted allegations of official wrong-doing. The Foreign Minister, Ali Alatas, and other Ministers have condemned the foreign media for "*biased*" reports of the incident. Minister Alatas has expressed "*deep regret*" at the deaths of the mourners, but has emphasized that soldiers had to respond with firm action when an unruly procession developed into a rioting mob. He said: "*It would have been senseless for the security forces to shoot people at will.*"

A handful of Indonesian parliamentarians have called for full inquiries into the incident, but the DPR has no authority to bring the government or the military to account. House Speaker Kharis Suhud said he would ask for an explanation from General Try Sutrisno: "*I don't want to blame anybody but I want to know exactly what happened there.*" The Commander of the Armed Forces was scheduled to testify before the House on 21 November, but his appearance was postponed until 29 November.

Background

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory. A pattern of short-term detention, ill-treatment and torture of political detainees in East Timor has worsened in the last year. More than 400 people have been detained since late 1988 for their alleged involvement in pro-independence political activities; at least 200 of them since early 1990. Many may be or may have been prisoners of conscience and many have reportedly been ill-treated or tortured in custody. At least 30 people, and possibly many more, were killed by Indonesian security forces in 1990 and early 1991 in apparent extrajudicial executions, and there are hundreds of unresolved cases of "disappearance".

Serious limitations remain on the reporting of human rights violations in East Timor in spite of the "opening" of the territory to tourism and commerce in January 1989. Those suspected of disseminating human rights information in East Timor and in Indonesia are closely watched by the authorities and have a well-founded fear that they may themselves become victims. Notwithstanding government assurances that access to the territory is unrestricted, and in spite of repeated requests, Amnesty International has not yet been permitted to visit East Timor or Indonesia.

APPENDIX I - List of people reportedly killed, missing or wounded in connection with the incident at Santa Cruz Cemetery, Dili, East Timor, 12 November 1991

NAME	PERSONAL DETAILS	CONCERN & COMMENTARY
Agapito de Deus	19 yrs; student	Missing after incident, feared dead
Agio (Pelajo) dos Santos	16 (19?) yrs	Wounded
Agostinho Tilman Fernandes	18 yrs; high school student	Killed
Aliço dos Santos		Wounded
Afonso	18 yrs; high school student	Killed
Amelia	17 yrs; high school student	Killed
Ana Romana Freitas	25 yrs; unemployed	Killed
André Soares	21 yrs; high school student	Killed
Aneta	15 yrs; junior high school student	Killed
António Clara Filipe Alves	21 yrs	Killed
Aristides dos Santos	19 yrs; high school student	Killed
Armando de Assis		Missing after incident, feared dead
Aviano António Faria	18 yrs; high school student	Killed
Basilio Moniz	50+ yrs	Missing after arrest
Beonisio Aires		Missing after incident, feared dead
Bernardino Mendes	22 yrs	Wounded
Clementino Faria (Matos)		Missing after incident, feared dead
Crescencio Henriques Cabral	29 yrs; worker in the Department of Information	Wounded
Custódia Benevides	15 yrs; high school student	Killed
Dionísio dos Santos		Killed
Dionísio Alves (Nini)		Missing after incident, feared dead

NAME	PERSONAL DETAILS	CONCERN & COMMENTARY
Domingos dos Santos	21 yrs; high school student	Killed
Domingos	18 yrs; high school student	Killed
Domingos	10 yrs	Killed
Domingos Figurado	27 yrs; teacher	Killed
Dos Reis		killed
Duarte Acolito		Killed
Duarte (or Eduardo) da Silva	22 yrs; Lorosae University student and footballer	Killed
Elidio Amaral	25 (20?) yrs; student	Killed
Emilio Araujo	21 yrs	Wounded
Emilio Roberto	High school student	Killed
Eulalia Araujo	17 yrs; high school student	Killed
Fabião da Silva		Missing after incident, feared dead
Felipe	24 yrs; university student	Killed
Francis da Silva	18 yrs; resident of Dili	Killed
Francisco Laga	21 yrs	Killed
Francisco da Silva	20 yrs; high school student	Killed
Francisco Carlos (Abonno)	22 yrs; polytechnic student	Killed
Fredy da Costa	17 yrs; high school student	Killed
Germano da Silva	35 (36?) yrs	Missing after arrest
Gregório	25 yrs; jobless	Missing after incident, feared dead
Hacobio	17 yrs; student	Killed
Isabel	Student	Wounded

NAME	PERSONAL DETAILS	CONCERN & COMMENTARY
Miki Neves Reis	18 yrs; high school student	Killed
Milton Longuinhos	16 yrs; high school student	Killed
Nelie Santo Ximenes	Student	Wounded
Nunu	28 yrs	Killed
Paula	17 yrs; high school student	Killed
Paulo Freitas	18 yrs; student	Killed
Porfirio da Costa	24 yrs	Killed
Procopio Rego	20 yrs; student	Killed
R. Pereira		Missing after incident, feared dead
Rafael Tilman Fernandes	20 yrs; high school student	Killed
Recobio	17 yrs; student	Killed
Ricardo Alves	16 yrs; student	Wounded
Simplicio de Deus		Killed
Tomas Dias Ximenes	Student	Missing after incident, feared dead
Ulises Gonçalves	21 yrs; high school student	Killed
Varudo		Killed
Vicente Paulo Madeira		Missing after incident, feared dead
Vincente Binaraga		Killed

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/46/715
S/23257
2 December 1991
ENGLISH
ORIGINAL: ARABIC/ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 98 (b)
HUMAN RIGHTS QUESTIONS, INCLUDING
ALTERNATIVE APPROACHES FOR
IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS

SECURITY COUNCIL
Forty-sixth year

Letter dated 27 November 1991 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a letter received by the Ambassador of the Republic of the Sudan to Iraq from Mr. Mustafa Mohamed Saeed, a Sudanese national, regarding injuries and abuse he suffered while living and working in Kuwait during the Gulf War.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 98 (b), and of the Security Council.

(Signed) Joseph LAGU
Permanent Representative

ANNEX

Letter dated 25 June 1991 from Mr. Mustafa Mohamed Saeed addressed to the Ambassador of the Sudan to Iraq

I the Sudanese citizen Mustafa Mohamed Saeed al-Hajj Tum, resident in Kuwait for 12 years, from 1977 to 1991, was in Kuwait on the day when the Iraqi troops withdrew, in an automobile repair workshop and spare parts store under the sponsorship of the Muttahidah Mechanics Company in Shuwaikh, whose proprietor was my sponsor, Awad Hamud Munir. I worked all through the period of the recent events and the war in Kuwait. After the Iraqi withdrawal and the return of Kuwait to the Kuwaiti authorities, some armed Kuwaitis of the so-called "resistance" came to my house and took me to the Rabiyah area guard post on 27 February 1991. The persons who took me to the guard post were 1st Lieutenant Fawaz al-Azimi and Nawaf al-Azimi, whose rank I do not know. With them were two other persons in a car whose names I do not know. They searched the house on the pretext that I belong to Iraqi Intelligence, and they wanted me to hand over the weapons that they alleged to be in my possession. When they found nothing, they took a small Samsonite case on the grounds that it contained the alleged weapons, whereas the case contained papers and documents and sums of money consisting of 35,000 Iraqi dinars, as well as 11,000 United States dollars and 1,700 Kuwaiti dinars. Following my arrival at the guard post, the torture, maltreatment, and personal humiliation began. They called us "Sudanese traitors". All this took place before a gathering of Kuwaiti citizens assembled in front of the guard post. Then I was placed in the holding cell, and with that began another kind of more repugnant and quite merciless torture. I was kicked and beaten with rifle-butts and sometimes with sticks and was placed in the bathroom for four days. I was brought out every two hours for more beating. Particularly when a soldier came who had not yet beaten me, he would beat and humiliate me. When Nawaf al-Azimi came, he would take me to a room, blindfolded and with my hands handcuffed behind me. Then he would begin to beat me and humiliate me and would demand that I write a renunciation of all my property in Kuwait and my will and testament, because I would be executed shortly. On the fifth day, I was transferred to the Aridiyah police post, and there parts of my body were burnt and cauterized with a hot iron. I was deprived of food and drink and placed in an isolation cell for three days. Then another accusation was launched against me, namely the rape of five Kuwaiti girls. Then I was moved to another jail in the Umri area. There were approximately 750 prisoners there of various nationalities, Sudanese and others. I met some of the Sudanese who had been with me at the Rabiyah guard post, and they were very happy to see me, because they had believed that I had been executed. Nawaf al-Azimi had told them so. From the Umri area jail, which consisted of a school, I was moved to Human Resources Centre jail at Military Intelligence Headquarters inside the Human Resources Camp. There I was interrogated by 1st Lieutenant Jasim. He mentioned to me the names of some Sudanese and wanted to know my relations with them. He said that they were working with the Iraqi Army. I did not know them, and I told him so and said that I had been residing in Kuwait for 12 years and had employment and interests there.

Then he mentioned to me the names of some Sudanese working with the Kuwaiti Army. I knew one of them, namely, Abu Bakr Sa'id, who worked as an instructor for Kuwaiti Intelligence and might have taught him before he graduated as an officer. The interrogating officer knew him well. Then he said to me: "Mustafa, there is no charge of raping Kuwaiti girls against you. The investigation was conducted in order to ascertain that you were not collaborating with Iraqi Intelligence. God willing, all is well". I was detained for two more days, and on the third day I was moved to 15th Brigade military jail. When I arrived, some others were with me, and we got down from the truck one after the other. Those who were to be executed were separated from the rest. They had their files with them, and on mine was a red X-sign. They usually destroyed and burned the files of those who were to be executed, and no use was made of all papers and documents, such as passports, that proved that they had a prisoner named such and such, who had been executed. Then I was detained in an isolation cell; one of the ones they called death cells. A 16-year-old youth was with me, in order to fill the cells, and he died in the cell from the severe torture to which he had been subjected. His body was removed from the cell on the second day after it had swollen up. At the same time, I was taken from the cell, and we were placed in the sun. There were others. The beating began, and sandbags were placed on our chests and our backs. That continued until sunset. Then an officer came who believed, according to what he said, that we were some of the new prisoners. He gave an order to the soldiers to put me and another Sudanese named Abd al-Mun'im in an enclosure where there were some 100 Sudanese, and the same was done to other nationalities, i.e., they were placed by nationality. He did not know that we were condemned to death and in the cells. It was a stroke of fate and the will of God. When I was placed with all this group, I was in a lamentable state. My right forearm was swollen and dripping blood and pus because of the torture and the pressure of the handcuffs on my wrist. Four days after I was placed in this enclosure with no food or drink, my condition deteriorated further, and when a Kuwaiti "military" doctor and an Egyptian "military" nurse came, I was released and moved to the hospital, at the request of the Kuwaiti doctor. He did not know that I was one of those condemned to death, and the Egyptian nurse remonstrated and said: "He can be washed and cleaned up and take treatments. There is no need to move him to the hospital." The Kuwaiti doctor insisted on taking me to the hospital, together with three others, Palestinians. When a Kuwaiti officer asked the doctor why he was moving me to the hospital, the Kuwaiti doctor told him that the Red Cross had discovered the locations of the jails and was on its way there. "And when it discovers what the conditions are like, it will cause us many problems." Accordingly, I was moved to the hospital in a large open pick-up truck, blindfolded and handcuffed, accompanied by a guard, to the hospital known as Addan Hospital, which refused to admit me, then to the Mubarak al-Kabir Hospital which refused to admit me, then to the Al-Sabah Hospital, which also refused to admit me, and lastly, to the Farwaniyah Hospital, where I was admitted. When the doctor asked me my name so that he could record it in the file, the officer who brought us, whose name was Al-Shatti, placed his revolver on my head and said: "I warn you against mentioning your name to any person whatsoever as long as you are in the hospital". At this point the doctor came in to find out my name. He was of

Egyptian nationality, and the Kuwaiti officer took him aside and spoke with him. When the Egyptian doctor returned, he did not ask my name again. Thus, I became patient No. 2 in wing No. 18, room No. 7, bed No. 2. The doctors decided to take skin from my thigh to be grafted on my right hand, and I was put in the intensive care room for four days. Then the chief specialist came. He was an Egyptian doctor named Dr. Abu Jabal. He said: "Prepare yourself for the operation". A young Palestinian surgeon was with him. The time for the operation came, but God so willed it that there was no oxygen available at that time, and the operation was postponed until oxygen was available. A Tunisian nurse named Mohammad ibn Sha'ban came to me and advised me not to have the operation because of the inefficiency of the hospital medical equipment, "no sterilization of the instruments - widespread tetanus", although it seemed better for my condition to extend my stay in hospital so as not to return to the jail and the torture. After approximately 11 days from my admission to hospital, a group from the Red Cross came and were surprised at the lists which they had with them, which they had received from the Prison Administration. It clarified the question for them, and I was a nameless prisoner and patient in the hospital. Each time they came to the hospital, they recorded a visit to me and then produced a Red Cross card for me and gave it to me in the hospital. Some Kuwaiti officers and soldiers used to come to the hospital and torture the patients in the hospital on the pretext of interrogating them. They avoided me once they learnt from the guards there that I had spoken more than once with the Red Cross representatives in English. Those officers and soldiers took some patients away from the hospital, and they did not return thereafter. I stayed in the hospital for 27 days. When the doctor learnt that the wound on my right hand had begun to heal and that there was no need for an operation, he decided to discharge me from the hospital. I asked the Red Cross representatives to extend my hospital stay, and they explained to me that the situation in the jail was not as it had been at first and that there was care, food and drink. Then I moved to the Juvenile Prison in the Aridiyah area. Those persons or prisoners whose names were on the lists, who numbered 650, were separated from the 80 or so other prisoners, whose names were put on the list. I was one of them. Interrogation began with the prisoners whose names were on the lists, and those whose names were not there were placed in the suspects' section. I was in this section. A young Kuwaiti soldier in his twenties named Na'man used to come to the suspects' section, and when he came all the prisoners in the section were required to stand. He would then ask: "What is my name?" And all would reply with one voice: "Mr. Na'man, may God be pleased with him". Anyone who objected was subjected to violent beatings. There was also a lieutenant named Hajjaj, who used to gather together the prisoners at night in one place. They would then stand in a line and one by one give him a military salute and kiss his shoulder. Those who did not salute properly he ordered beaten. After the end of this drama, another more humiliating one would commence. He would order the prison trusty, a "cooperating prisoner", to choose six "wives" from the prisoners, and when they were chosen, the officer in charge would order them to tie towels around their waists and pass through the whole jail all shouting at the top of their voice "I am Hajjaj's wife No. 1" or "No. 2" and so on up to No. 6. When the "wife" prisoner refused to do this, he was beaten violently until he fainted. One day, one of the

Sudanese prisoners, named Bashir Hasan Hamid, known as Bashir Wudd al-Arbaji, refused to give the military salute to the officer Hajjaj, and the soldiers beat him. Bashir complained of officer Hajjaj to the prison director, who held the rank of major. When the major knew of that, he conducted an interrogation of the officer. On the second day, three soldiers came and made all the prisoners come down to the ground floor and they beat Bashir Wudd al-Arbaji until he fainted, and he defecated and urinated on himself, all in front of our eyes. When the soldiers realized that Bashir was in a grave condition, they took him and said they were taking him to the hospital. We were not sure about that. When the representatives of the Red Cross came, we told them that a colleague of ours named Bashir had been beaten by the soldiers, that they had taken him, as they said, to the hospital and that we wished to know whether he was actually there. The following day, the representatives of the Red Cross came and assured us that he was indeed in the hospital and that they would keep an eye on his condition. He remained in the hospital for three weeks. The soldiers then began to humiliate us. They called us "slaves" and insulted the Sudanese President, Omer El Bashir. The prison was then handed over to the office of the public prosecutor for another investigation to be carried out. The prosecutor sent for me and asked me on what charge I was being held, and I answered that I did not know. I did not tell him what had happened and the story about it because, as they believed, I had been executed and my identification documents subsequently destroyed. If they had known my story, they would have brought me before the court on the same charges as before. If the officer had known those who had tortured me, Fawaz and Nawaf, then it would have been even worse. The main point is that the prosecutor told me that there was no file on me and ordered my return to the cell. Three days later, the prosecutor sent for me again. He said to me: "There is no charge against you and, God willing, you will be set free". After I came out, with the permission of the prosecutor, one of the soldiers said to me, "Congratulations, you're free". I was then handed over to the deportation section. Torture also went on in the deportation prison, but to a lesser extent than before. We remained in the deportation prison for 16 days. When our turn came, they called out our names and told us that we would be leaving within two hours, and they gave us two hours to fetch our passports and belongings. They put us in a military vehicle under guard. There was nothing I could do but accept the situation. I was completely exhausted from the effects of the torture and from hunger and thirst. I felt a sharp pain in my ribs (two of them are broken). We arrived at the Rabiyah police station and I asked about my case, my passport and my money. The officer asked me: "How long is it since you have been here?" I answered: "Three months". He said to me: "Three months ago the Army was here and the resistance was here. We took over from them 20 days ago, and there was nothing deposited, no passports or anything else". We went to Aridiyah, and there we heard the same thing. We returned to the deportation section on the same day, and then we were deported to Iraq. The Red Cross received us at the border, the Iraqi authorities took delivery of us, and they set us free. That was on 17 June 1991 or thereabouts.

By writing to you in such detail, I have sought to convey to you a vivid picture of the treatment meted out in Kuwait to Sudanese and to persons of

other nationalities. The abuse and humiliation of Sudanese is continuing, both by the Government and by the people. We were often called "slaves" and "traitors". The treatment of Sudanese by Kuwaiti citizens and by the Kuwaiti Government has become extremely bad. The standing of the Sudanese is not as it was before. The jails are full of detainees, among whom are large numbers of Sudanese in the juvenile prison and the deportation prison, and there are others in the police stations. The names of most of them are registered with the Red Cross. You will not find with the Red Cross or at the police stations and jails the names of those who were executed or those who died under torture because their files and all of their identification documents were destroyed with them. I should say that most of the Sudanese who are not now in jail will be imprisoned by the Kuwaitis on any charge whatever so that they can get rid of them and deport them from Kuwait. If the jails and police stations had not been full, they would have been there with us.

I, Mustafa Mohamed Saeed, a Sudanese national, worked in Kuwait for 12 years, and I own an automobile repair shop, a spare parts store and a fully furnished home there. Through you and through the Ministry of Foreign Affairs, I demand from those who believe that I am among the dead, may their fortune miscarry the following:

1. Compensation for all the damages I have suffered and for my property in Kuwait. (They tortured me and beat me, and they said to me: "You are going to die, so you must renounce your property to us in writing". They killed several in front of me, saying my lot would be the same. But I did not break, because I thought: "If it is a question of death, then it is death, so why do so?")

2. Return of the case and the money (since the passport has certainly been destroyed) that they took from me at the guard post in the Rabiyah area on the first day of my imprisonment on 27 February 1991. Those who took me to the guard post then were 1st Lieutenant Fawaz al-Azimi and Nawaf al-Azimi (whose rank I do not know).

I earnestly alert your attention to the situation of Sudanese in Kuwaiti jails and detention centres and to the need to gain access to them before time runs out. I earnestly alert your attention to those outside the prisons who are subjected to such conditions. I affirm the truth of all the information contained in this letter and my full responsibility for everything stated herein.